

ORDINANCE NO. 3663

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
BURBANK AMENDING CHAPTER 31 OF THE BURBANK
MUNICIPAL CODE RELATING TO HEIGHTS WITHIN
AIRPORT APPROACH AREAS.

City Attorney Synopsis

This Ordinance amends the existing provisions that regulate structure heights within areas around the Bob Hope Airport. The authorized heights are adopted from the Federal Aviation Regulation (FAR) Part 77. This Ordinance requires an applicant to notify the Federal Aviation Administration and complete the necessary forms prior to the issuance of building permits. Notification is required when the proposed construction involves an increase as specified to the existing height of a structure. This Ordinance creates zones around the Bob Hope Airport, and each zone has its own threshold of notification. The zones are identified on the "FAA Filing Requirement Map". This Ordinance was examined in a Mitigated Negative Declaration approved on October 27, 2004. Before approving this Ordinance, the Council considered the Mitigated Negative Declaration as required by the California Environmental Quality Act.

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A. The Council of the City of Burbank at its regular meeting of January 18, 2005 held a duly noticed public hearing on the amendments to the zoning code concerning heights within airport approach areas. The Council continued the hearing and deliberations to January 25, 2005.

B. The zoning code amendment ("Project") is a component of the proposed Bob Hope Airport Project which was analyzed in and examined in a Final Mitigated Negative Declaration. On January 25, 2005, the Council adopted Resolution No. 26,891 where the City, as a responsible agency, made certain findings and considered the Final Mitigated Negation prior to its' consideration of several "City Discretionary Projects" of which the zoning code amendment was specifically included, in accordance with Title 14 California Code of Regulations (the "CEQA Guidelines") §15096.

C. The Council considered the testimony and evidence presented at the public hearings, including the report and recommendation of the Community Development and the City Planner, and the Planning Board actions. The Council further considered the Final Mitigated Negative Declaration prior to acting on this Project.

D. The Council finds that this zoning code amendment is unrelated to the relocation or expansion of a commercial passenger terminal building at the Bob Hope Airport and as such, does not require a vote of the people prior to authorizing the

approval of this discretionary action. A vote is required by Section 11-112 of the Burbank Municipal Code only when a discretionary action authorizes a relocation or expansion of the airport terminal.

E. On December 8, 2004, the Los Angeles County Airport Land Use Commission, after a duly noticed public hearing, found that this Project is consistent with goals and policies of the Los Angeles County Airport Land Use Plan in accordance with Public Utilities Code Section 21670 et. seq.

THE COUNCIL OF THE CITY OF BURBANK DOES ORDAIN AS FOLLOWS:

1. Section 31-203 of the Burbank Municipal Code is amended to read as follows:

Sec. 31-203. Definitions.

"Amendment" means a change in the wording, context, or substance of this chapter, or a change in zone map or FAA Filing Requirement map.

2. Division 2 of Chapter 31 is amended to read as follows:

DIVISION 2. HEIGHTS SURROUNDING BOB HOPE AIRPORT.

Sec. 31-1305. Federal Aviation Administration Filing Requirement Map.

(a) **ADOPTION.**

The FAA Filing Requirement Map containing an explanatory note and showing and delineating the location and boundaries of areas surrounding the Bob Hope Airport and the height limits for structures and any objects of natural growth within each area, is on file in the office of the City Clerk as the FAA Filing Requirement Map of the City and is hereby adopted by reference and declared to be a part of this chapter. A copy of the map is attached as Exhibit A and incorporated hereby this reference.

(b) **DIVISION INTO PARTS.**

The FAA Filing Requirement Map may, for convenience, be divided into parts and each part may, for purposes of more readily identifying areas within the map, be subdivided into units and such parts and units may be separately employed for the purpose of amending the map or for official references thereto.

(c) **AMENDMENTS.**

The FAA Filing Requirement Map shall be promptly corrected to conform to amendments thereto.

Sec. 31-1306. Uncertainty of Boundaries.

When uncertainty exists in applying the provisions of this division, Section 31-303 shall apply.

Sec. 31-1307. Airport Areas and Height Limits Established.

The following airport areas and their respective filing requirements are established as

shown on the FAA Filing Requirement Map:

Zone 1: All new structures and all additions to existing structures shall be subject to the provisions of Section 31-1308.

Zone 2: All new structures and any additions to existing structures that increase the height of an existing structure or any portion thereof shall be subject to the provisions of Section 31-1308.

Zone 3: New structures or additions to existing structures or any portion thereof with a height of 35 feet or greater as measured from grade to the highest point of the structure shall be subject to the provisions of Section 31-1308.

Zone 4: New structures or additions to existing structures or any portion thereof with a height of 70 feet or greater as measured from grade to the highest point of the structure shall be subject to the provisions of Section 31-1308.

Zone 5: New structures or additions to existing structures or any portion thereof with a height of 200 feet or greater as measured from grade to the highest point of the structure shall be subject to the provisions of Section 31-1308.

Sec. 31-1308. Proof of FAA Notification of Intent to Construct.

(a) Notice of Proposed Construction or Alteration. All applicants for structures subject to this Section per the terms of Section 31-1307 shall be required to file a Notice of Proposed Construction or Alteration with the FAA pursuant to Part 77 of the Federal Aviation Regulations (14 C.F.R. Part 77). No building permit shall be issued for any structure subject to this Section until the building permit applicant submits to the Director proof of submission of the Notice of Proposed Construction or Alteration and copies of all documentation received from the FAA in response to such Notice including the determination and any final decision of the FAA as to whether the proposed structure would be an obstruction or hazard to air navigation. Alternatively, a building permit applicant may submit a copy of a permit to allow such structure obtained from the California Department of Transportation pursuant to California Public Utilities Code Section 21659.

(b) Obstruction Determination. In the event the FAA determines that the proposed structure would be an obstruction to air navigation, a building permit for the structure may be issued subject to the applicant complying with all applicable provisions of the Code. If the FAA imposes any conditions or requirements upon the proposed structure as part of its determination, including but not limited to lighting or painting requirements, the applicant shall demonstrate compliance with such conditions or requirements on the plans submitted for building permit approval.

(c) Hazard Determination. In the event the FAA determines that the proposed structure would be a hazard to air navigation, then no building permit shall be issued until the applicant has applied for and obtained an Administrative Use Permit (AUP) in accordance with Section 31-1954 et seq. If a Conditional Use Permit (CUP) would otherwise be required for the proposed construction or alteration in accordance with Section 31-1934 et seq., such CUP shall be used instead of an AUP to consider the hazard status of the project and an AUP shall not be required. A hazard determination issued by the FAA

shall be considered in the AUP or CUP findings and may be a basis to find the project unable to meet the required standards. In granting an AUP or CUP application, conditions may be imposed to eliminate or reduce the identified hazards to the greatest extent practicable. In addition to any other notice required by the Code, the Airport Authority shall be noticed on all AUPs and CUPs required herein.

Sec. 31-1309 Initiation of Amendment to FAA Filing Requirements Map.

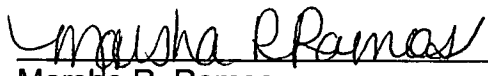
Amendments to the FAA Filing Requirements Map may be initiated by the Council or Board. An owner of property within a Zone established by the Map may apply for an FAA Filing Requirements Map amendment that would affect his or her own property by submitting an application to the Director on such form as the Director may prescribe. The application shall be processed in the same manner as a Zone Map Amendment. The City shall provide the Airport with notice of any requested amendments to the FAA Filing Map.

3. Division 6 of Article 19 of Chapter 31, beginning with Section 31-1974 through and including Section 31-1984 of the Burbank Municipal Code is hereby deleted.

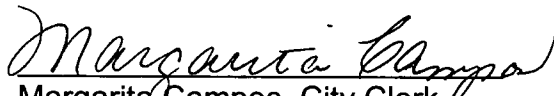
4. The City Clerk shall certify to the passage of this ordinance and cause the City Attorney Synopsis of this ordinance to be published once in a newspaper of general circulation, published and circulated in the City of Burbank, California.

5. This Ordinance shall become effective at 12:01 a.m. of the thirty-first day after publication.

PASSED AND ADOPTED this 1st day of February, 2005.


Marsha R. Ramos
Mayor of the City of Burbank

Attest:


Margarita Campos, City Clerk

Approved as to Form and Legal Content
Dennis A Barlow, City Attorney

By: 
Mary F. Riley, Senior Assistant City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

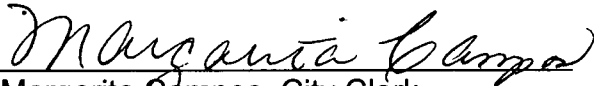
I, Margarita Campos, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 3663 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 1st day of February, 2005, by the following vote:

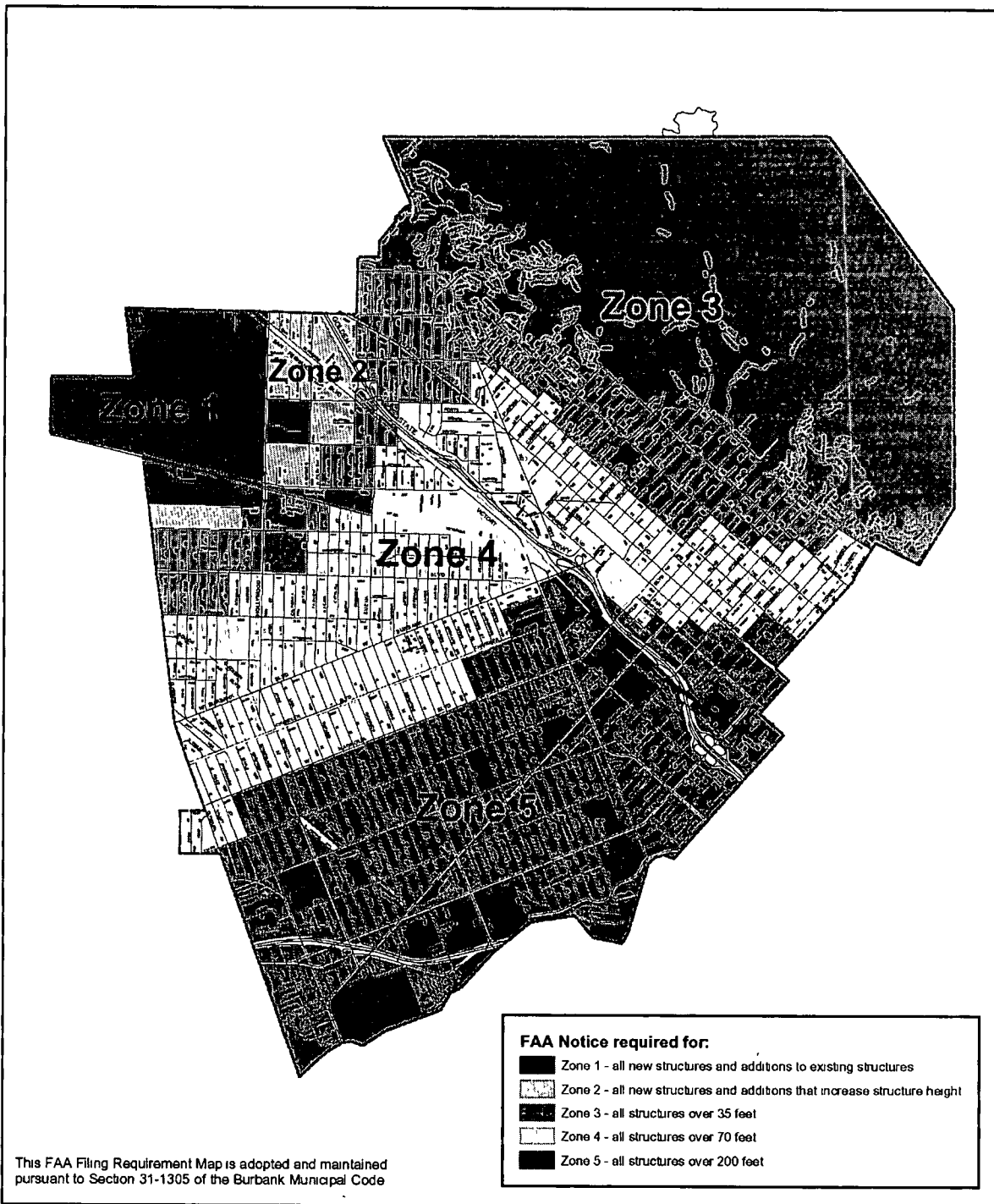
AYES: Council Members Campbell, Golonski, Murphy, Vander Borcht and Ramos.

NOES: Council Members None.

ABSENT: Council Members None.

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California on the 12th day of February, 2005.


Margarita Campos, City Clerk



City of Burbank
FAA Filing Requirement Map

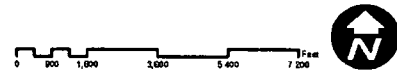


EXHIBIT A